



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	September 14-126 CUP
Case Type	Conditional Use Permit
Project Name	Riles Acres – Commercial Recreational Equipment & Vehicle Storage Facility

Applicant	Martin Mueller, McLaughlin Mueller, Inc. 218 W. Mill St. Liberty, MO 64068
Owners	Mark E. And Brenda K. Riles 1904 Victory Lane Kearney, MO 64060-8849
Request	Conditional Use Permit to locate a Commercial Recreational Equipment & Vehicle Storage Facility

Application Submittal	2014-08-04
Public Notice Published	2014-08-21
Neighbor Letters Sent	2014-08-22
Report Date	2014-09-02

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
Recommendation	APPROVAL with conditions



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General Information

Site Location: 15710 N 69 Hwy
Section 26 | Township 53 | Range 30

Site Size: 25.27± Acres

Existing Landuse & Zoning: Agricultural District (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North - Agricultural (AG), Residential Low-Density District (R-1A) Zoned Land, Residential Rural District (R-1) Zoned Land
- East - Residential Rural District (R-1) Zoned Land, City of Excelsior Springs, Shelton Estates (R-1), Residential Rural District (R-1) Zoned Land
- South - Residential Rural District and Residential Low Density District (R-1 & R-1A) Zoned Land, City of Excelsior Springs
- West - Agricultural (AG), Residential Rural District (R-1) Zoned Land, City of Excelsior Springs

Current Conditions:

Subject Property Lines = **BLUE**



Courtesy Clay County
Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Martin Mueller, McLaughlin Mueller, Inc, representing Mark and Brenda Riles are requesting approval of a **Conditional Use Permit (CUP)** to establish the Commercial Recreational Equipment & Vehicle Storage portion on proposed Lot 2 of Riles Acres (3.68± acres). The owners plan to construct this phase at a later date on the west portion of proposed Lot 2.

The Riles wish to split their land to build one (1) new single-family home on proposed Lot 1 (21.59± acres), as well as establish a new Commercial Self-Storage Facility with Recreational Equipment & Vehicle Storage on proposed Lot 2. See related Rezoning/Preliminary Plat (Case No. Sept. 14-125RZ/P) and Final Plat (see Case No. Sept. 14-127F) requests for more information.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, as well as the 1-Mile Urban Coordination Sub-Tier and the Highway Corridor Overlay District (92 Highway).

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽¹⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Excelsior Springs is within the 1-Mile Urban Coordination Sub-Tier. The City responded with an email on May 29, 2014 and their response was that *"his proposed use would be consistent with our zoning."*

The subject request meets the spirit and jest of the 2008 Comprehensive Plan in addition the use would be consistent with the City of Excelsior Springs zoning. It is located on trail #C-13; a third priority bike trail as identified by the Northland Trails Vision Plan ("NTVP"). The Clay County Parks Department responded they do not want 15' Recreational Easement ("R/E") within 30' Utility Easement (UE) along the frontage of N. 69 Highway.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. R-1 zoned land is to the north and west. R-1 & R-1A zoned land are to the north and south. The City of Excelsior Springs is to the east, west and south and within the 1-mile coordination tier [see Attachment B].

Code Considerations

The Conditional Use Permit (CUP) application was properly noticed in the Kearney Courier on August 21, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent August 22, 2014.

The subject request for a Commercial Recreational Equipment & Vehicle Storage Facility is handled under multiple portions of the 2011 Clay County Land Development Code ("LDC"). The use table inside Section 151-6.1 includes a "Recreational Equipment Storage, Commercial" designation requiring approval of a Conditional Use Permit ("CUP") in the Agricultural ("AG") and Commercial Services (C-3) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- The proposed use will not cause substantial injury to the value of other property in the vicinity.



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- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

The LDC also provides certain use standards within Section 151-6.2 (R) for a "Recreational Equipment Storage, Commercial", which are noted below and specific to this request. Noted below in *italics* is the County staff response to the standard.

1. A Conditional Use Permit is required in an AG and C-3 districts; uses are permitted in the I-1 and I-2 districts.

The subject request meets this requirement for C-3.

2. All commercial and equipment storage shall be totally enclosed within a building, or behind an 8' fence in the I-1 district.

Does not apply: Subject request falls within a C-3 district, and not I-1.

3. All recreational vehicles (campers, motor homes, boats, watercraft, etc.) may be stored outdoors; however, shall be enclosed within an eight foot fence with locking gate.

The interpretation by the Planning & Zoning Director proposes two (2) main purposes for this section of the LDC:

Security:

According to the owner's business plan (see Attachment "D"), the facility will provide controlled access at the entrance, concrete pillars or blocks along US 69 Highway frontage (behind landscaping), as well as downward-pointing lighting.

Due to the current deployment of multiple security measures on the property as detailed above, staff recommends the request meets this requirement.

Aesthetics:

Another purpose identified by the Director for the writing of this code focuses on the prevention of any negative visual impact of outdoor storage of commercial recreational equipment which may have on surrounding non-commercial uses (i.e. residences). As indicated on p. 4 of the site plan drawings titled "Layout Plan" (see Attachment "E"), existing vegetation adequately shields the view of the proposed facility along the southern, western, and portions of the north property lines. For that portion that does not shield the view along the north property line, new landscaping is being proposed. In addition, clusters of new landscaping are also being proposed along the US 69 Highway frontage of the proposed facility.

4. Front/street side setbacks shall be required in accordance with all district standards.

Based on the site plan drawings supplied by the owners, this requirement is currently being met as all proposed buildings are setback a minimum of 25 feet.



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5. All storage facilities that house more than 4 pieces of recreational equipment shall have direct vehicular access to a paved public road.

The proposed site has vehicular access via US 69 Highway, which is paved.

6. No recreational equipment shall be used for living, sleeping, or housekeeping purposes while in storage.

Owners are aware of this requirement and will be in compliance.

7. Facilities shall be used strictly for the storage of private recreational equipment. Such facilities shall not be used for sale, rental, repair, or construction of such recreational equipment.

Owners are aware of this requirement and will be in compliance.

8. All customer use areas shall have a dust-free surface.

As stated in the owner's Business Plan (see Attachment "D"), the driveway will consist of "concrete that changes to dust free chip and seal past the right of way".

9. Depending on the location of the ingress/egress point for the storage site, all driveway entrances for such storage sites shall be reviewed and approved by the County Highway Department or the Missouri Department of Transportation. The minimum width of such driveways shall be 24 feet.

Missouri Department of Transportation ("MoDOT") has given approval for the approaches and driveway permit location. See following section of staff report.

Outside Agency Review

MoDOT replied an email with this response:

"We do not need any additional right of way for a commercial driveway. The two tracts have existing access – one is being upgraded to a commercial approach to accommodate the storage unit development. The other is an existing gated access that will serve that second tract for non-commercial purposes. No additional access can be obtained for tracts in question."

A standard Road Impact Fees (RIF) of \$1,100.00 has been assessed for the additional Lot 2 as it fronts onto a state highway.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #1 of Ray County has water availability for water meters for both lots.

Findings

Staff has received multiple phone calls on the Self-Storage Facility with Commercial Recreational Equipment & Vehicle Storage rezoning and CUP requests. One (1) was in opposition stating they did not want to see another self-storage facility in the area. A few phone calls stated they had no opposition once they heard the details of the request. A separate email from a nearby property owner stated that they are in full support of this request.

The owners have also addressed the stormwater management and design criteria (*LDC Section 151-8.12 and 11.2*) for this new development in a Storm Drain Report that has been reviewed by the County's Consultant Engineer.



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Recommendations

Staff recommends the request for the **Conditional Use Permit** to establish the Commercial Recreational Equipment & Vehicle Storage on proposed Lot 2 of Riles Acres (3.68± acres) be **approved with following conditions** as shown on Exhibit A:

Exhibit A

1. The applicant shall comply with all the conditions and requirements of the Land Development Code, Section 151-3.10, Conditional Use Permits, and Section 151-6.2 (R), Recreational Equipment Storage, Commercial, or as amended.
2. The CUP shall be based on a time frame of fifteen (15) years.
3. This CUP may be revoked at any time based on public complaints or violations of the LDC substantiated by an investigation by county staff.
4. The applicant shall comply with and meet all codes and requirements stipulated by any local, state and federal governmental entities having jurisdiction over storage facilities.
5. Lighting shall be directed downward and shielded from direct glare on nearby properties and roadways.
6. All signage shall conform to the standards within the LDC and may require a permit prior to construction.
7. Emergency 911 signage is required.
8. Implement the County's Consultant Engineer recommendations from their report dated August 29, 2014.
9. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.



Attachments

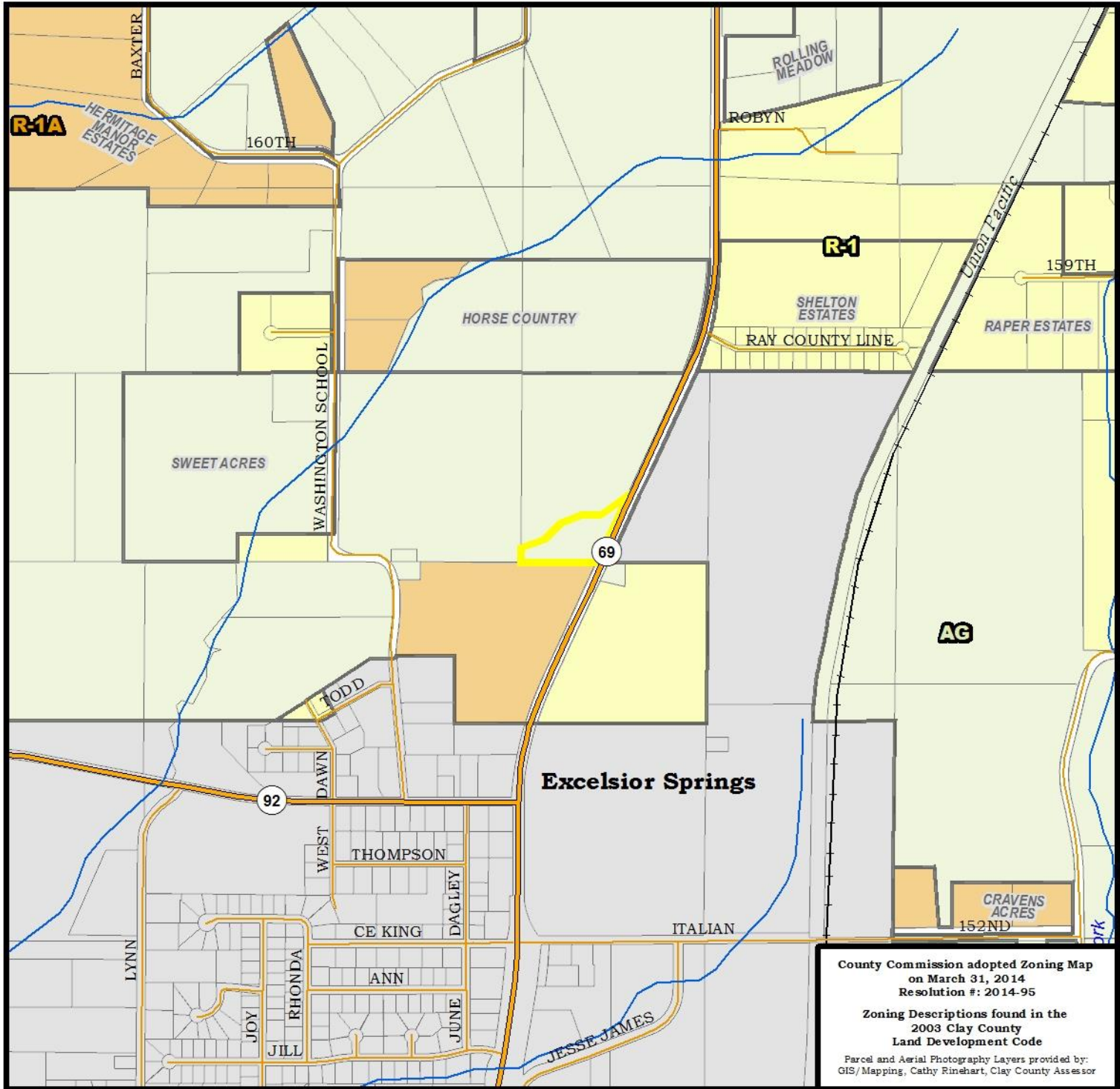
Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 30W



Sept 14-126CUP – Riles Acres

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,000 feet
1 inch = 0.19 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

Overlay Districts

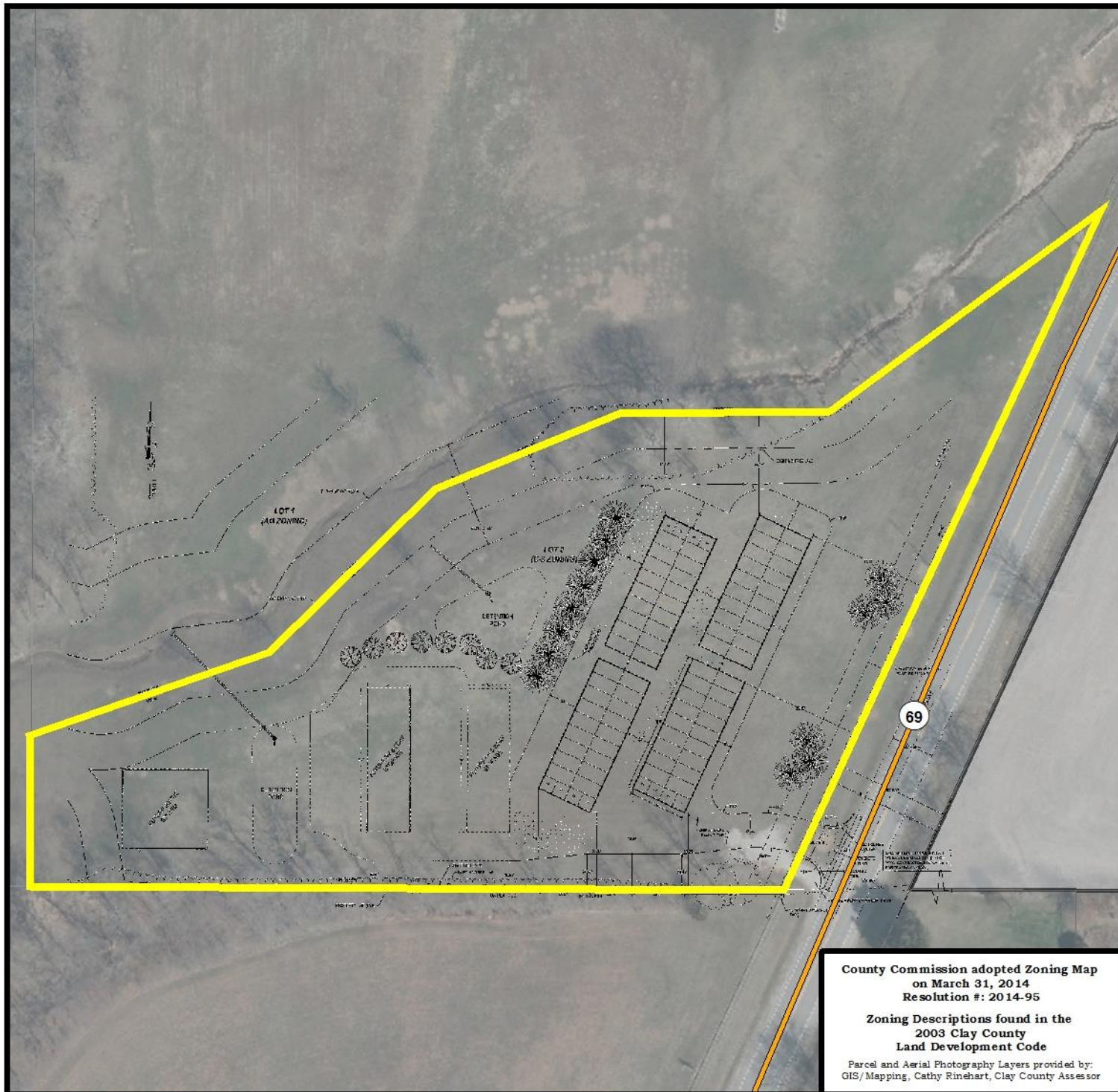
- CD (Conservation District)
- POD (Preservation Overlay District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map



County Commission adopted Zoning Map
on March 31, 2014
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Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 100 feet
1 inch = 0.02 miles

LEGEND

Property Line

Streams (EPA)

Railroads

Roads

Interstates

State Highways

Local Roads

Highway Ramps

Subdivisions

2014 City Limits

Parks

County Boundaries

Overlay Districts

CD (Conservation District)

POD (Preservation Overlay District)

PUD (Planned Unit Development)



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Sept. 14-126 CUP – Riles Acres Attachment D – Owner Business Plan

Executive Business Summary

Mark and Brenda Riles

The proposal being submitted to Clay County Planning and Zoning Commission administration is for the building of Phase I, (self storage units) and Phase II, (open storage units) located at 15710 N 69 Highway.

PHASE I

SELF STORAGE UNITS

There will be four, 40 x 100 buildings totaling 86 units. Three buildings, (totaling 66 units) consisting of four, 10 x 10 units and 18, 10 x 20 units. The fourth building will have a total of 20 units, 10 x 20 in size. They will consist of metal siding, steel framing and rolling metal doors with the floors being concrete.

ENTRY

There will be one shared entry and exit from the property for Phase I and Phase II. This drive will consist of concrete that changes to dust free chip and seal past the right of way.

SECURITY/ASTHETICS

The property is not accessible from the south side of the entry due to a hill, heavy tree line and a fence separating property lines the length of the property. The area running north along 69 Highway has a ditch. The north side of the property running west to the back of the area has a creek running the length of the property. In front of the units will be trees and/or shrubbery with concrete posts or blocks placed behind the shrubbery spaced five feet apart so there can be no vehicle access, used as the buffer zone.

Access to the area will be permitted only to current renters



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and the owner of said property.

DETENTION POND

· A Detention Pond will serve Phase I.

PHASE II

Conditional Use Permit referred to hereafter as CUP.

The CUP is for an area reserved for future expansion for the purpose of storing recreational vehicles, trailers and boats.

OPEN STORAGE UNITS

The CUP will have two, three sided units with the open entry being on the west side of one unit and the east side of the other unit sharing a common center space. Each unit will be 100 foot in length and 30 foot in depth with an open door height of 14 to 17 foot. Each unit will have ten, 10 x 30 foot stalls totaling 20 stalls in all. The interior parking of these stalls will be rock covered in chip and seal. The remaining lot space will be used for additional external parking. No parking or storage will be permitted in the driving area of the lot. The lot is to be used for storage of vehicles only. The lot can not be used to drain water, sewage or waste from boats, RV's or any other vehicle that carries or stores any type of wastes. Permission will not be granted to repair, maintain or modify any vehicle while it is stored or parked at the facility. Any repair needed to any vehicle stored will require the repair to be done off site.

ENTRY

The CUP entry will be through the Phase I drive that starts at 69 Highway and continues west until it meets at the 100 x 100 foot area located directly west of the Phase I units.

ASTHETICS



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The CUP area will have a buffer between the commercial and adjoining agricultural property owned by Mr. & Mrs. Riles consisting of newly planted trees placed 8 - 10 feet apart. Mr. & Mrs. Riles will be building a family home on the adjoining property once the Phase I and Phase II process is completed.

DETENTION POND

A Detention Pond will serve Phase II.

Thank You,
Mark & Brenda Riles

